

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Offic**Address: COMMISSIONER OF PATENTS AND TRADEMARKS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/070,699	04/30/99	DICKENSHEETS	D A-62591-3/AJ

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MM21/0413

EXAMINER

PHAN, J

ART UNIT	PAPER NUMBER
2872	

DATE MAILED: 04/13/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary	Application No. 09/070,699	Applicant(s) Dickensheets et al
	Examiner JAMES PHAN	Group Art Unit 2872

Responsive to communication(s) filed on Mar 23, 1999

This action is **FINAL**.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

Claim(s) 44-72 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

Claim(s) _____ is/are allowed.

Claim(s) 44-72 is/are rejected.

Claim(s) _____ is/are objected to.

Claims _____ are subject to restriction or election requirement.

Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on _____ is/are objected to by the Examiner.

The proposed drawing correction, filed on _____ is approved disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All Some* None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) _____.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 44-72 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Nowhere in the original disclosure is there a support for (1) **a single substrate body defined by an upper surface and formed with at least one cavity ... and a primary optical path for accommodating the passage of a light beam aligned in a predetermined orientation with the upper cavity** (claims 44, 56, 59, 63, 66 and 70, lines 2-5) and (2) a lower cavity formed on the lower surface of the substrate body (claim 56, line 6). Figs. 2-3 of the instant invention clearly show (I) a primary optical path 13 disposed separately from a surface of a single substrate body 11, i.e. plate 12 and silicon nitrite layer 47 are disposed between the surface of the single substrate body 11 and the primary optical path 13, and (ii) a spacer 14 which is not a part of the **single** substrate body 11; therefore, Figs 2-3 do not support for features (1) and (2).

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Conclusion

The requests for interferences files 3/23/99 have not been granted since the present application has not been in the condition for allowance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Phan whose telephone number is (703) 308-4810. The examiner can normally be reached on M-F from 9:30 to 6:00. The fax phone number for this Group is (703) 308-7722.

Phan, J.

April 8, 1999



James Phan
Primary Examiner